

## **REMARKS**

Applicants respectfully traverse and request reconsideration.

As an initial matter, Applicants' Representatives wish to thank Examiner Bergdorf for the courtesies extended during the telephonic interview of September 27, 2011. During the interview, the parties discussed the differences between the instant application and the references of record, and discussed amendments to the claims. Although no agreement was reached as to the allowability of the claims, agreement was reached that certain amendments to the independent claims would better clarify the meaning of the claim feature "mutual spatial arrangement." In accordance with the agreement reached, Applicants have amended claims 1, 2, 9, and 18 to recite a mutual spatial arrangement of the RFID tags, "wherein the mutual spatial arrangement represents the spatial proximity between the RFID tags." Support for these amendments may be found, for example, in paragraph [0099] of Applicants' disclosure. In light of the amendment to claim 2, claim 6 has also been amended to remove the limitation "or the first and second RFID tag information are in a desired mutual spatial arrangement."

Claims 14–17 have been cancelled without prejudice. Therefore, no further discussion of cancelled claims 14–17 will be provided.

### **Claim Objections**

Claims 22 and 24 have been amended to address the objections set forth on page 2 of the Office Action mailed July 8, 2011 (the "Office Action"). Claim 22 has been amended to correct a typographical error by replacing the word "provide" with the word "provides." Claim 24 has also been amended to correct a typographical error by adding the word "wherein." Accordingly, it is respectfully requested that these outstanding objections be withdrawn.

### **Claim Rejections – 35 U.S.C. § 112**

Claims 1, 2, and 4 stand rejected under 35 U.S.C. § 112. Claim 1 has been amended to provide proper antecedent basis for the RFID tags. Accordingly, it is respectfully requested that the rejection of claim 1 under § 112 be withdrawn.

Claim 2 has been amended to remove the following phrase from the preamble, “for obtaining at least one of digital media content and content from at least one content source.” Accordingly, Applicants submit that amended claim 2 no longer omits essential steps. Regarding the rejection of claim 4, Applicants submit that the amendment to claim 2 likewise cures any deficiency with respect to dependent claim 4. As such, it is respectfully requested that the rejections of claims 2 and 4 under § 112 be withdrawn.

### **Claim rejections - 35 U.S.C. § 103**

Presently pending claims 1–8, 18–21, and 23–24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. Pub. No. 2003/0001016 to Fraier et al. (“Fraier”) in view of U.S. Pat. No. 6,008,727 to Want et al. (“Want”). Applicants respectfully submit that neither Fraier nor Want, either alone or in combination, teach at least “a mutual spatial arrangement of RFID tags, wherein the mutual spatial arrangement represents the spatial proximity between the RFID tags.”

Fraier is directed to an apparatus and method for accessing multimedia content. Specifically, Fraier discloses the use of tokens that are associated with an identification code, wherein the identification code is associated with multimedia content. (Fraier, Abstract). In one method of operation, Fraier teaches (i) reading the identification code associated with a token (e.g., by a code reader 206, such as a barcode reader), (ii) transmitting the identification code to a content server, and (iii) receiving multimedia content identified by the identification code from

the content server. (Fraier, Abstract). However, as admitted in the Office Action, Fraier fails to teach “the use of combinations or *arrangements of tags* to identify desired content.” (Office Action, p.5). Thus, Fraier fails to teach at least selecting/detecting a mutual spatial arrangement of RFID tags whatsoever.

Want discloses the use of selectively enabled electronic tags that can be switched on or off via an interconnect switch. (Want, Abstract). In one embodiment, Want teaches the use of sensors “embedded or attached to the tag that can be used to detect folding, twisting, or bending of [a] tagged object.” (Want; col. 3, ll. 10–12). Want also teaches the use of accelerometers, gyroscopic, radio, or infrared positional sensors for determining absolute position data that can be transmitted by the tag. (Want; col. 3, ll. 13–18). However, Want fails to teach at least selecting, determining, or otherwise using mutual spatial arrangement information, wherein the mutual spatial arrangement information represents the spatial proximity between RFID tags.

Indeed, Want actually counsels *against* receiving data from more than one RFID tag located within the reading range of an RFID tag reader. As such, Want clearly cannot be asserted as teaching the use the mutual spatial arrangement in order to, for example, provide different digital media content in accordance with the arrangement. For example, with respect to the concept of receiving data from multiple RFID tags located within the reading range of an RFID tag reader (so as to ascertain a mutual spatial arrangement), Want provides:

For best results, the electronic tags attached to the poster 232 *are separated to ensure non-overlapping read zones*. For example, electronic tags 240, 242, 244, and 246 (each associated with text or symbolic indicia on poster 232) *have respective non-overlapping read zones* 250, 252, 254, and 256 within the dotted lines. If tags need to be set very close, shielded tags 260, 262, and 264 with electromagnetic shields provided to substantially reduce lateral detection range can be used. Alternatively, a selectively disabled tag 266 that is not powered or is otherwise disabled until manually or automatically enabled, can be used to allow for close packing of large numbers of tags without adverse data reading impact. (Want; col. 14, ll. 4–16) (emphasis added).

Thus, Want teaches separating the electronic RFID tags “to ensure non-overlapping read zones.” However, a “mutual spatial arrangement,” as that term is used in Applicants’ disclosure, necessarily requires that location information is received from a plurality of RFID tags, so as to ascertain the spatial proximity between the RFID tags. For example, Applicants’ disclosure provides that, “[t]he combination of RFID enabled objects *may be combined for reading by the RFID reader in a spatial manner . . .*” (Applicants’ Disclosure, ¶ [0099]) (emphasis added). Furthermore, Applicants’ disclosure teaches that, “the user may select a mutual spatial arrangement for each of the respective objects with respect to the RFID reader and each other such that one [sic] RFID object may be closer to the reader than the other and the RFID reader detects the mutual spatial arrangement of the RFID enabled objects.” (Applicants’ Disclosure, ¶ [0099]).

Mutual spatial information may be used in a variety of different ways in accordance with Applicants’ disclosure. For example, in one embodiment, “[o]nce a spatial arrangement is detected, the content playing device sends the combination of content IDs read from the combination of RFID enabled objects and the network element provides access to different digital media content.” (Applicants’ Disclosure, ¶ [0099]). As such, “a two-dimensional or three-dimensional arrangement of RFID enabled objects is detected and based on the arrangement, different bonus content is provided.” (Applicants’ Disclosure, ¶ [0099]). Because neither Fraier nor Want, either alone or in combination, teach at least “a mutual spatial arrangement of RFID tags, wherein the mutual spatial arrangement represents the spatial proximity between the RFID tags,” Applicants respectfully submit that claim 1 is in condition for allowance.

With regard to claim 2, Applicants respectfully submit that neither Fraier nor Want, either alone or in combination, teach at least “providing access to particular media or content based on whether the first and second RFID tags are in a desired mutual spatial arrangement, wherein the desired mutual spatial arrangement represents the spatial proximity between the RFID tags” for the reasons set forth above with respect to claim 1 (i.e., neither Fraier nor Want teach the use of “mutual spatial arrangement” information). Accordingly, Applicants submit that claim 2 is also in condition for allowance.

Dependent claims 3–8, being dependent upon an allowable base claim, are also allowable over Fraier in view of Want to the extent that they incorporate the limitations of independent claim 1 and because they recite additional patentable subject matter.

With regard claim 18, Applicants respectfully submit that neither Fraier nor Want, either alone or in combination, teach at least “mutual spatial arrangement information, wherein the mutual spatial arrangement information represents the spatial proximity between the RFID tag enabled objects,” for the reasons set forth above with respect to claim 1. Accordingly, Applicants submit that claim 18 is also in condition for allowance.

Dependent claims 19–21 and 23–24, being dependent upon an allowable base claim, are also allowable over Fraier in view of Want to the extent that they incorporate the limitations of independent claim 18 and because they recite additional patentable subject matter.

Claims 9–13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fraier in view of Want in further view of U.S. Pat. Pub. No. 2006/0158341 to Chipcase et al. (“Chipcase”). With regard to claim 9, Applicants respectfully submit that neither Fraier, nor Want, nor Chipcase, either alone or in combination, teach at least “a mutual spatial arrangement

between the plurality of different RFID tags, wherein the mutual spatial arrangement represents the spatial proximity between the RFID tags.”

Chipcase is directed to a device for directing the operation of a user’s personal communication apparatus. (Chipcase, Title). Specifically, Chipcase teaches “a system including a device including an RF tag embedded in a casing, and a mobile phone having an RF tag reader which is operable upon reading the RF tag to perform an operation associated with said RF tag.” (Chipcase, Abstract). However, Chipcase fails to teach selecting, detecting, or using mutual spatial information whatsoever. Accordingly, Applicants respectfully submit that claim 9 is allowable over Fraier in view of Want in further view of Chipcase for the reasons set forth above with respect to claim 1.

Claims 10–13, being dependent upon an allowable base claim, are also allowable over Fraier in view of Want in further view of Chipcase to the extent that they incorporate the limitations of independent claim 9 and because they recite additional patentable subject matter.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fraier in view of Want in further view of U.S. Pat. Pub. No.2006/0047603 to Fontijn (“Fontijn”). Claim 22, being dependent upon an allowable base claim, is also allowable over Fraier in view of Want in further view of Fontijn to the extent that it incorporates the limitations of independent claim 18 and because it recites additional patentable subject matter.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully requests reconsideration and withdrawal of all presently outstanding rejections. Thus, prompt and favorable consideration of this response is respectfully requested. If it is believed that personal communication will expedite prosecution of this application, Applicants' undersigned representative may be contacted at the number below.

Respectfully submitted,

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